

Message Text

UNCLASSIFIED

PAGE 01 CARACA 00281 101611Z

43

ACTION ARA-20

INFO OCT-01 ISO-00 PER-05 A-01 OPR-02 L-03 DRC-01 RSC-01

SSO-00 /034 W

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O 101551Z JAN 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC IMMEDIATE 2343

INFO AMCONSUL MARACAIBO

UNCLAS CARACAS 0281

EO 11652: N/A

TAGS: APER CGEN US VE

SUBJECT: CONSUL IN MARACAIBO SUMMONED TO GIVE EVIDENCE
ABOUT AUTOMOBILE ACCIDENT

REF: CARACAS 97

1. JANUARY 8 CONSUL IN MARACAIBO FRANCIS HALL RECEIVED FOLLOWING CABLE FROM SANTA ANA, FALCON STATE: "FAVOR PASAR ESTE DESPACHO FIN RENDIR DECLARACION SUMARIA ACIDENTE TRANSITO DIF MANUEL A. URBINA JUEZ". (TRANSLATION: PLEASE STOP BY THIS OFFICE TO GIVE SUMMARY EVIDENCE IN CASE OF TRAFFIC ACCIDENT. MANUEL A. URBINA, JUDGE.) CONSUL HALL HAS NO OTHER INFORMATION ABOUT SUMMONS. HE DOES NOT KNOW WHETHER REQUEST TO GIVE EVIDENCE CONCERNS CRIMINAL OR CIVIL PROCEEDINGS, BUT IT IS CLEARLY RESULT OF ACCIDENT INVOLVING CONSULATE DRIVER DESCRIBED REFTEL.

2. 2 FAM 223.1 SAYS CONSULAR IMMUNITIES GRANTED BY TREATY IN EFFECT ARE APPLICABLE. TREATY IS PRESUMABLY VIENNA CONVENTION ON CONSULAR RELATIONS, TO WHICH US AND VENEZUELA ARE PARTIES. ARTICLE 43 OF TREATY INDICATES CONSUL IS SUBJECT TO JURISDICTION OF JUDICIAL AUTHORITIES IN CIVIL ACTION BY THIRD PARTY FOR DAMAGE ARISING FROM TRAFFIC ACCIDENT. ARTICLE 44 INDICATES CONSUL SHOULD NOT REFUSE TO GIVE EVIDENCE, EVEN THOUGH ACCIDENT IN THIS CASE OCCURRED WHEN CONSUL WAS ON OFFICIAL BUSINESS. PARENTHETICALLY, UNCLASSIFIED

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CONSUL REPORTS THAT, AS RESULT OF HEAD INJURY RECEIVED IN

ACCIDENT WHICH RENDERED HIM UNCONSCIOUS FOR HALF HOUR, HE HAS NO MEMORY OF ACCIDENT'S DETAILS.

3. DEPARTMENT'S ADVICE IS REQUESTED WITH REGARD TO WHETHER CONSUL HALL SHOULD COMPLY WITH SUMMONS IN THIS CASE AND FUTURE REQUESTS FOR EVIDENCE, IF ANY. HE HAS BEEN ADVISED BY EMBASSY NOT TO ANSWER SUMMONS FROM JUDGE URBINA OR OTHER AUTHORITY UNTIL DEPARTMENT'S ANSWER IS RECEIVED.
MCCLINTOCK

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NNN

Message Attributes

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Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Draft Date: 10 JAN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974CARACA00281
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: CARACAS
Handling Restrictions: n/a
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30 JUN 2005

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